



dm 10/18/02 6395-61708 147835.doc

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1645

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1645

In re application of: Martinez et al.

Art Unit: 1645

Application No.: 10/009,660

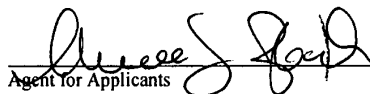
CERTIFICATE OF MAILING

Filed: December 7, 2001

For: METHODS AND COMPOSITIONS FOR
OPSONOPHAGOCYTIC ASSAYS

Examiner: Not yet assigned

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on October 18, 2002 as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.


Agent for Applicants

Date: October 18, 2002

STATUS LETTER


COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

A Substitute Power of Attorney and Change of Correspondence Address was mailed to the U.S. Patent and Trademark Office on April 25, 2002 (copy attached) for the above-referenced patent application. We have not received a notification that the Substitute Power of Attorney and Change of Correspondence Address was accepted.

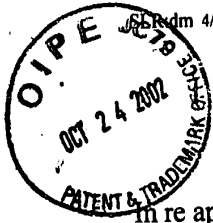
Thus, a status report is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446



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PATENT
Attorney Reference Number 6395-61708

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martinez et al.

Art Unit: 1645

Application No. 10/009,660

Filed: December 7, 2001

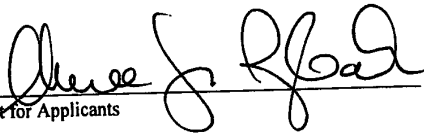
For: METHODS AND COMPOSITIONS FOR
OPSONOPHAGOCYTIC ASSAYS

Examiner: Not yet assigned

Date: April 25, 2002

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on April 25, 2002, as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.


Agent for Applicants

TRANSMITTAL LETTER

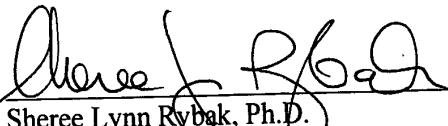
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Enclosed for filing in the application referenced above are the following:

- ☒ Substitute Power of Attorney and Change of Correspondence Address.
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Docketing

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re application of Martinez et al.

Application No. 10/009,660

Filed: December 7, 2001

For: METHODS AND COMPOSITIONS FOR OPSONOPHAGOCYTIC ASSAYS

Date: April 18, 2002

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TECH CENTER 1600/2900

**SUBSTITUTE POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Dear Sir:

The assignee of record, the Government of the United States of America, as Represented by the Secretary, Department of Health and Human Services (copy of Assignments attached) hereby revokes all former Powers of Attorney and appoints as its representatives to conduct all business in the Patent and Trademark Office connected therewith the attorneys and agents identified as Customer No. 24197



24197

all of the law firm of Klarquist Sparkman, LLP, 121 SW Salmon Street, Suite 1600, Portland, Oregon 97204; and grants an Associate Power of Attorney to:

Andrew Watkins, Reg. No. 38,653; Russ Metler, Reg. No. 45,365; and Jacqueline Quay, Reg. No. 47,011.

all of the Centers for Disease Control and Prevention, Technology Transfer Office, 1600 Clifton Road NE, Atlanta, GA 30333.

COPY

Please address all correspondence to Sheree Lynn Rybak, Ph.D., at:

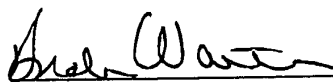
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 SW Salmon Street
Portland, OR 97204-2988
Telephone: 503-226-7391
Fax: 503-228-9446

The recorded Assignment referred to in this Substitute Power of Attorney has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the assignee.

The Centers for Disease Control and Prevention Technology Transfer Office has been duly delegated responsibility for such patent matters under the authority of the memorandum dated January 31, 1997, from Donna E. Shalala, the Secretary of the Department of Health and Human Services, delegating the authority to the Heads of the Public Health Service Operating Divisions, as well as a memorandum dated October 12, 2000, from Jeffrey P. Koplan, M.D., M.P.H., the Director of the Centers for Disease Control and Prevention (who is a Head of a Public Health Service Operating Division), delegating authority to sign this Power of Attorney to the Associate Director for Science and the Director of the Technology Transfer Office of the Centers for Disease Control and Prevention. The undersigned is authorized to exercise such authority in this matter.

Executed on April 25, 2002, at Atlanta, Georgia.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES



Andrew Watkins
Director, Technology Transfer Office
Centers for Disease Control and Prevention
(CDC)
1600 Clifton Road NE (E67)
Atlanta, GA 30333
(404) 639-6270

COPY

ASSIGNMENT

WHEREAS, I, Sandra Steiner, of 3075 Rockaway Road, Atlanta, GA 30341, a dual citizen of The United States of America and Columbia, employee of the Department of Health and Human Services at the time the invention was made, have invented METHODS AND COMPOSITIONS FOR OPSONOPHAGOCYTIC ASSAYS for which the following patent applications have been filed:

PCT Application No. PCT/US00/15858 filed on June 9, 2000; and
Canadian Application No. 2,274,207 filed on June 11, 1999

which will be referred to herein as "the patent applications."

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive order 10096, to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring all domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid applications for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known for and in consideration of the premises and other valuable considerations, I the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Centers for Disease Control and Prevention (hereinafter THE GOVERNMENT), and their successors, the full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file patent on the invention described in the aforesaid patent applications, all rights in the invention and the patent applications, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the patent applications as provided by United States law and the Paris Convention, or of any divisional, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

AND, I hereby authorize and request the Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as an assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by me, had this assignment not been made;

AND, I hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid applications for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by me;

AND, I hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute

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and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and I shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

I hereby grant the law firm of Klarquist Sparkman Campbell Leigh & Whinston, LLP, the power to insert on this Assignment any further information which may be necessary or desirable in order to comply with all applicable legal requirements, including the rules of the United States Patent and Trademark Office, for submitting and recording this document.

IN TESTIMONY WHEREOF, Assignor has signed her name on the date indicated.

Dated: 03-16-01

Sandra Steiner
Sandra Steiner

STATE OF Georgia)
COUNTY OF DeKalb) ss.

This 16th day of March, 2001, before me personally came the above-named Sandra Steiner, who executed the foregoing Assignment in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.



[SEAL]

Vicki Weeks
Notary Public for Georgia
My commission expires: April 4, 2003

COPY

ASSIGNMENT

WHEREAS, we, Joseph E. Martinez, of 3196 Mt. Zion Road, Apt. 1002, Stockbridge, GA 30281, a citizen of the United States of America, George M. Carlone, of 5243 Sandy Shoals Lane, Stone Mountain, Georgia, 30087, a citizen of the United States of America, employees of the Department of Health and Human Services at the time the invention was made, along with Sandra Steiner and Michael H. Hickey, have invented METHODS AND COMPOSITIONS FOR OPSONOPHAGOCYTIC ASSAYS for which the following patent application has been filed:

PCT Application No. PCT/US00/15858 filed on June 9, 2000.

referred to herein as "the patent application."

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive order 10096, to the entire right, title, and interest of Joseph E. Martinez and George M. Carlone, both domestic and foreign; and

WHEREAS, the Government of the United States of America is desirous of acquiring their domestic and foreign right, title, and interest in the aforesaid invention described in the aforesaid application for Letters Patent of the United States of America; and

NOW, THEREFORE, to all whom it may concern, be it known for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign, and transfer unto The Government of the United States of America as represented by the Secretary of the Department of Health and Human Services, Centers for Disease Control and Prevention (hereinafter THE GOVERNMENT), and their successors, our full and exclusive right, title, and interest throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file patent applications on the invention described in the aforesaid patent application, all our rights in the invention and the patent application, and all Letters Patents and Registrations which may be granted on the same in the United States of America and all countries throughout the world, and to claim the priority from the applications as provided by United States law and the Paris Convention, or of any divisional, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

AND, we hereby authorize and request the Commissioner for Patents to issue said Letters Patent to THE GOVERNMENT as an assignee of our entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, and within each and every foreign country in which THE GOVERNMENT elects to file, for the sole use for the full term or terms for which said Letters Patent and Registrations may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof which may be granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit, or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent in the United States of America and foreign countries, and to furnish and deliver to the Secretary, Department of Health and Human Services, upon request, all data and documents, and to execute any papers which may be necessary for the prosecution of any application or applications of Letters Patent or for THE GOVERNMENT to exercise its rights granted hereunder, including communicating to THE GOVERNMENT, its representatives or agents, any facts

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relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, and we shall assist THE GOVERNMENT in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by THE GOVERNMENT.

We hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Assignment any further information which may be necessary or desirable in order to comply with all applicable legal requirements, including the rules of the United States Patent and Trademark Office, for submitting and recording this document.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.


Dated: Dec 4, 2001, 2001

Joseph E. Martinez
Joseph E. Martinez

STATE OF GEORGIA)
COUNTY OF Gwinnett) ss.

This 4 day of Dec, 2001, before me personally came the above-named Joseph E. Martinez, who executed the foregoing Assignment in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL]

JO A. PEPPE
Notary Public for Georgia
My commission expires:



Dated: Dec 4, 2001

George M. Carlone
George M. Carlone

STATE OF GEORGIA)
COUNTY OF Gwinnett) ss.

This 4 day of Dec, 2001, before me personally came the above-named George M. Carlone, who executed the foregoing Assignment in my presence, and who acknowledged to me that he executed the same of his own free will for the purposes set forth therein.

[SEAL]

JO A. PEPPE
Notary Public for Georgia
My commission expires:


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